

EXHIBIT 19

Complaint – *United States of America v. Walker River Irrigation
District, et al.*, dated July 3, 1924

IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA,
IN AND FOR THE DISTRICT OF NEVADA.

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Walker River Irrigation District, a corporation, John A. Beemer, Antelope Valley Land & Cattle Company, a corporation, Arthur Pitts, Willie Pitts, H. F. Powell, Mrs. Elizabeth Chichester, B. H. Chichester, James Powell, Mrs. Eliza McKay, Mrs. Sarah Carney, Virgil Connell, Munnswill Land & Livestock Company, a corporation, James McKay, Frank Simpson, Truckee River General Electric Company, a corporation, H. W. Settlemyer, A. Settlemyer, F. Schacht, Thomas Berry, Joe Allard, Sam Fales, Henry Hube, Equie Hube, Joe Scorerine, A. Dellamonica, Modesto Dellamonica, Frank Yparraguirre, Mrs. Minnie Pimentel, Mono Land & Livestock Company, a corporation, C. E. Loose, Mrs. Annie B. Philatro, Fred Fredericks, G. B. Day, Mrs. H. P. Day, Estate, Plymouth Land & Livestock Company, a corporation, Leland Day, C. M. Kirkwood, A. S. Bryant, Lorene Wedertz, A. W. Brandon, Mrs. M. V. Sinnemon, C. E. Day, County of Mono, Frank J. Chichester, David McKay, Mrs. Bertrand Salles, Mrs. Olive Stewart, Louise Scanivino Estate, Joseph Scanivino, R. C. Terry, Fred Dunn, Frank Yparraguirre, Henry Baker, R. S. Brooks, D. U. Butler, A. Jensen, Patrick J. Con-
Dellamonica, Maria Dellamonica, Rosia Dellamonica, Katie Dellamonica, Ullisse Dellamonica, Compston & Macquet, A. H. Barlow, Clara Masterson, Harriet Estes, Munnswill Land & Livestock Company, a corporation, J. M. Feeney, Mrs. Amanda Penili, John F. Fredericks, Fox Ditch Company, a corporation, C. W. Gallagher, J. E. Gallagher, J. B. Gallagher, T. F. Gallagher, J. C. Gallagher, Ed Hernleben, A. Scassa, A. Sciarini, Wm. Schacht, C. W. Wyatt, Flora Nicholas, F. H. Knemeyer, H. H. Steok, F. Robinson, Carlo Scatina, Charles Altman, Pursel Estate, M. C. Guild, Kate Smith Gage, John B. Gallagher, W. F. Freeman, Joe Faber, Andy Johnson, Mary Gallagher, Perazzo Brothers, P. J. Conway, Edward Frederick Wade, Esther Sarah Wade, Katherine L. Gallagher, Peter Gallagher, Paul H. Gallagher, John Gallagher, Fred Lammion, J. G. Gibbons, A. W. Gander, M. J. Green, Ira Fallon, Greenwood Ditch Company, a corporation, C. Scatina, W. A. Pursel, George Freidhoff, Frank J. Mathews, Joseph Mathews, W. H. Spragg Estate, J. E. Gallagher, H. O. Kenna, C. A. Barrett, George F. Batchelder, Frank Hanson, Henry Hanson, F. H. Knemeyer, John Shehady, P. Domeincoi, Joe Sourrine, Elmer Hanson, G. M. Allum, Mrs. Adeline Hilburn, Peter Henricks, Charles B. Johnson, Menesin & Tonetti, Katie F. Fremmel, C. E. Logan, Antone Manha, J. Arouse, Annette D. Lewis, Peter Heitman, H. S. Morgan, James H. Wichman, John H. Wichman, Mickey Ditch Company, a corporation, T. F. Fitzpatrick, George Osborne, Mrs. Emma Osborne, H. A. Lancaster, J. M. Lancaster, William Scossa, Joe Scirenia, Frank Lucas, Mrs. Malarkey, Pete Dominico, John Perazzo, William Scatena, Louise McGowan, Ray McGowan, E. Asschelman, A. B. Silla, Carl Barbagetata, Maronchi Brothers, Mabel Plummer, George Plur-

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Ray McVicar, Neil McVicar,
 Charles C. Perry, George W. Freidhoff, Daniel
 Wilton Pursel, Henry Arthur Pursel, Ira Fallon, N. F. Bertrand,
 Mrs. Sarah Jane Hallins, William M. Penrose, Mrs. Nellie Neil-
 son, Reynold J. Penrose, Mrs. Mary E. Young, Ambro Rosaschi
 Thomas Ross, Frank Robinson, W. F. Reading, G. M. Reading,
 George H. Fulstone, W. H. Roach, Cecil Burkham, Peter Savani,
 A. Grulli, Frank W. Simpson, Fred Fulstone, Joe Fulstone,
 Arthur Maionchi, Melio Mainnchi, L. D. Santini, Lizzie Herony-
 mous, J. C. Snyder, John Snyder, Gus Williams, Henry A. Williams
 Florence Williams, Mamie C. Williams, Dora Williams Spragg &
 Woodcock Ditch Company, a corporation, C. C. Perry, N. F.
 Bertrand, Mrs. A. F. McLeod, C. A. McLeod, J. B. Gallagher,
 Mrs. G. W. Webster, S. McCrosky, Lettie Shelton, F. S. Fox,
 G. F. Willis, G. L. Nicholas, John Lamfersweiler, M. Della-
 monica, George Walsh, L. Simmons, W. F. Cambrell, Frank Bovard,
 John Snyder, C. E. Kingsley, H. Hanson, J. N. Welsh, J. G.
 McGowan, Isaac A. Strosnider, F. O. Stickney, Alice J. Martin,
 Antone Tamagni, The Plymouth Company, a corporation, Nellie J.
 Whiteacre, Bertha Ann Johnson, G. W. Wilson, J. Q. Wilson,
 W. R. McGowan, J. W. Wilson, J. G. McGowan, Mrs. Louisa Mc-
 Gowan, Emilio Aiazzi, Hester West, Sophia E. Lynch, John Mc-
 Vicar, F. B. Mann, Margaret Schooley, James T. McKay, John
 F. Yparraguirre, Frank Yparraguirre, Josephine Yparraguirre,
 George Parker, and John Doe, Richard Roe, Simson Poe, Jane
 Doe and Sarah Roe, whose true names are to the plaintiff
 unknown,

Defendants.

BILL OF COMPLAINT.

In Equity.

No. 125

COMES NOW the United States of America, plaintiff,
 by and through George Springmeyer, United States Attorney
 in and for the District of Nevada, and complains and shows
 to the Court the following as its Bill in Equity:

-I-

That the jurisdiction of this court over this suit
 depends upon the fact that the United States of America is
 a party hereto. The suit is brought on behalf of the plain-
 tiff by direction and authority of the Attorney General of
 the United States. That some of the defendants, as plaintiff
 is informed and believes, are citizens and residents of the
 State of Nevada; that other of the defendants are citizens

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1 and residents of the State of California; and that the
 2 residence and citizenship of others of the defendants are un-
 3 known to the plaintiff.

4 -II-

5 That on November 29, 1859 and for a long time pre-
 6 vious thereto the plaintiff was and ever since has been, and
 7 still and now is the owner of about 86,400 acres of land
 8 in the State of Nevada, which then formed and now form the
 9 Walker River Indian Reservation. That on said November 29,
 10 1859, said lands were largely arid in character and incapable
 11 of producing crops without artificial irrigation, but a
 12 large part of said lands was then and now is susceptible of
 13 being reclaimed and made valuable agricultural land by arti-
 14 ficial irrigation, and that about two thousand acres thereof
 15 have already been reclaimed by means of irrigation.

16 -III-

17 That on or about or prior to the 29th day of Novem-
 18 ber, 1859, plaintiff having for a long time previous thereto
 19 recognized the fact that certain Pahute and other Indians
 20 were and they and their ancestors had for many years been
 21 residing upon and using certain lands in the State of Nevada
 22 around and near the Walker River and Walker Lake, which lands
 23 are those mentioned in the second paragraph hereof, and plain-
 24 tiff then being desirous of protecting said Indians and
 25 their descendants in their lands, homes, fields, pastures,
 26 fishing, waters and in their use thereof, and in affording to
 27 them an opportunity to acquire the art of husbandry and other
 28 arts of civilization, and to become civilized, did reserve
 29 said lands from any and all forms of entry or sale, and did
 30 reserve and set aside the same for the sole use of said
 31 Indians, and for their benefit and civilization. That on
 32 to-wit: the 23rd day of March, 1874, the said lands having

1 been previously surveyed, were by order of the President
2 of the United States of America, for the purposes aforesaid,
3 withdrawn from sale or other disposition and set apart for
4 the Pahute and other Indians, aforesaid.

5 That said Walker River runs through a large part of
6 said lands and a large part thereof, to-wit: about 44,000
7 acres are susceptible of irrigation from and by use of the
8 waters of the said Walker River and all its branches and
9 tributaries including the East Walker River and the West
10 Walker River; and for the successful and proper irrigation
11 of and for domestic and other uses on the said land, there
12 is needed 150 cubic feet of water per second of time
13 of the said waters.

14 That ever since the said 29th day of November, 1859,
15 and prior thereto, the said Indians and their descendants
16 had lived and they now live upon said reservation; and the
17 same has been used and is being used by the United States
18 as an Indian Reservation and for the use and purposes afore-
19 said. The plaintiff does now and for many years last past
20 has maintained an extensive agency, an Indian School upon
21 said reservation and has and does encourage the Indians be-
22 longing to said reservation, who now number about 520
23 persons, to farm said lands, and many acres thereof, to-wit:
24 approximately two thousand have been for many years last
25 past and still and now are being irrigated and farmed by
26 them and used for the purpose of producing extensive crops
27 of hay, grains, pasture and vegetables.

28 That plaintiff is the ^{-IV-}owner of, and by and through
29 said Pahute and other Indians is in the possession and
30 occupation of the said lands and said Walker Indian Reserva-
31 tion. That plaintiff is now the owner of, and by and through
32 said Pahute and other Indians aforesaid, ever since the year

1 1959 has been the owner of, and entitled to the use and
 2 benefit of a vested water right to the public waters of
 3 said Walker River, East Walker River, West Walker River
 4 and all the tributaries of said river; and that ever since
 5 said year of 1859 plaintiff by and through the said Pahute
 6 and other Indians has been and still and now is using and
 7 utilizing said waters for the necessary and beneficial
 8 irrigation and reclamation of portions of said lands and
 9 said Walker River Indian Reservation.

10 That the climate where said lands are situated is
 11 dry and arid, and that it is necessary to irrigate said
 12 lands in order to produce or raise crops thereon; that
 13 without irrigation and naturally, said lands will not pro-
 14 duce agricultural or grazing crops, and are of little or
 15 no value, but that with proper irrigation, said lands will
 16 produce and for many years last past have produced large
 17 crops of hay, grain, pasture and vegetables. That there
 18 is no other source of supply of water for the irrigation
 19 of said lands described above than the so-called Walker
 20 River, East Walker River, West Walker River and the tribu-
 21 taries thereof, the waters of which had been used, and
 22 utilized as aforesaid for the purpose of raising the said
 23 crops upon said lands; that in the building of necessary
 24 irrigation works including canals, ditches and laterals,
 25 and in clearing said lands for irrigation, and in seeding
 26 them to crops plaintiff has expended large sums of money,
 27 to-wit: 175,000 Dollars, and that if said plaintiff
 28 is deprived of the use of said waters upon said lands, the
 29 said lands will again become barren and of little or no
 30 value, and said irrigation works, canals, ditches and later-
 31 als will likewise be and become almost valueless.

32 -V-
 33 That defendants, and each of them without right, and

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wrongfully and unlawfully are using and withholding the said waters of said Walker River, East Walker River, West Walker River and the tributaries thereof in the irrigation of lands owned or possessed by them, and in so utilizing said waters are obstructing, impeding, and preventing them from flowing down their natural channels to said Walker River Indian Reservation and are preventing and hindering the plaintiff and the said Paiute and other Indians aforesaid from using and utilizing said waters upon said lands on said Walker River Indian Reservation. The plaintiff is informed and believes and therefore upon such information and belief alleges the fact to be that the defendants and each of them are threatening to use and utilize all said waters upon lands owned and possessed by them, and are threatening to prevent plaintiff and the said Paiute and other Indians from using or utilizing any of said waters upon their said lands in said Walker River Indian Reservation. That the said defendants' said threatened use of said waters is without right, and wrongful and unlawful. That in the event the said defendants or any of them prevent the said waters from flowing to said Walker River Indian Reservation, plaintiff and the said Paiute and other Indians will have no water whatever to supply the needs and requirements of said Paiute and other Indians in the necessary, economical and beneficial irrigation of the said lands on said Walker River Indian Reservation, and that as a result this plaintiff will sustain ^{irreparable} loss, damage and injury to its said lands, and that it will be unable to raise or produce crops of hay, grain, pasture or vegetables upon said lands. That the said defendants threaten, and each of them threatens, and this plaintiff is informed and believes, and therefore

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upon such information and belief alleges the fact to be that the said defendants and each of them will, unless restrained and enjoined by order of this Court from so doing, construct dams, levees, headgates and ditches in said Walker River, East Walker River, West Walker River and the tributaries thereof, and thereby prevent the waters thereof from flowing naturally to the said lands of plaintiff on said Walker River Indian Reservation, thus preventing said Paiute and other Indians from using and utilizing said waters which are necessary and essential as aforesaid for the proper and beneficial irrigation of the said lands on said Walker River Indian Reservation; all of which will be to the great, immediate and irreparable loss, damage and injury of this plaintiff in that it will be deprived of, and will be unable to raise and produce crops of hay, grain, pasture or vegetables which it has raised and produced upon said lands for many years last past.

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That the rights of the said defendants and each of them to the use of said waters of said Walker River, East Walker River, West Walker River and the tributaries thereof are conflicting with and adverse to the rights of plaintiff as hereinabove set forth, and are conflicting with and adverse to the rights of each other, and the rights claimed by said defendants and each of them if exercised would, and when exercised do diminish the volume of said waters in said Walker River, East Walker River, West Walker River and the tributaries thereof, so as to deprive the plaintiff of the amount of water to which it is entitled as a vested priority. That in particular, during the remainder of the irrigation season of 1924, if the defendants or any of them should use, or utilize the waters to which they and each of them claim they are entitled, as plaintiff is informed and believes, and therefore alleges the fact to be, the plaintiff

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and the said Paiute and other Indians would suffer and sustain a total loss of all remaining crops which could be grown on said lands during the remainder of the season of 1924 if the waters to which plaintiff is entitled are allowed to flow upon said lands, to plaintiff's great, immediate and irreparable loss and damage. That with the several rights of the various claimants, parties hereto, including the plaintiff, to the use of the waters flowing in said Walker River, East Walker River, West Walker River, and the tributaries thereof in the States of California and Nevada have been settled, and the extent, nature, order and time of each right to divert said water from said River and its tributaries has been judicially determined, plaintiff cannot properly protect its rights in and to the said waters, and to protect said rights other than as herein sought if they could be so protected would necessitate a multiplicity of suits.

WHEREFORE, plaintiff prays judgment against the defendants and each of them as follows:

1. That a temporary restraining order forthwith issue restraining defendants and each of them, and their agents, servants, employees and lessees, and any and all other persons whatsoever from individually or through others damming, building levees, head-gates or ditches, obstructing, hindering, preventing or in any manner interfering with the natural flow of 150 cubic feet of water per second in, down, along and upon the natural channels of Walker River, East Walker River, West Walker River and the tributaries thereof, to and upon the Walker River Indian Reservation in the State and District of Nevada.

2. That not later than ten days after the granting

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of a temporary restraining order a hearing be had and a preliminary injunction be granted to plaintiff restraining defendants and each of them, and their and each of their agents, servants, employees and lessees, and any and all other persons whomsoever from individually or through others daming, building levees, head-gates or ditches, obstructing, hindering, preventing or in any manner interfering with the natural flow of 150 cubic feet of water per second in, down, along and upon the natural channels of Walker River, East Walker River, West Walker River and the tributaries thereof to and upon the Walker River Indian Reservation in the State and District of Nevada.

3. That upon the trial hereof, a permanent injunction issue restraining defendants and each of them, and their and each of their agents, servants, employees and lessees, and any and all other persons whomsoever from individually or through others daming, building levees, head-gates or ditches, obstructing, hindering, preventing or in any manner interfering with the natural flow of 150 cubic feet of water per second, in, down, along and upon the natural channels of Walker River, East Walker River, West Walker River and the tributaries thereof to and upon the Walker River Indian Reservation in the State and District of Nevada.

4. That the Court order and adjudge that plaintiff has a first and prior vested right to the waters of said Walker River, East Walker River, West Walker River and the tributaries thereof, and that the Court decree to plaintiff the water rights hereinabove set forth and claimed by and for plaintiff, and quiet its title therein and thereto, and enjoin said defendants and each of them from interfering therewith, and provide such other means for the carry-

ing out of its decree herein, as may be proper.

5. That the Court by its decree determine the relative rights of the parties hereto in and to the waters of the said river and its tributaries in Nevada and California, both natural flow and flood waters to it, and that it may be known how much of said waters may be diverted from said river by the parties hereto and for what purposes, where, by what means of diversion, and with what priority.

6. That the writ of subpoena issue to each and all of the said defendants, and that they be required to answer this Bill of Complaint, and set up fully their claims to the waters of said river and its tributaries.

7. That plaintiff have its costs herein expended, and such other further or different relief as may be meet or proper in the premises.

George Smigmeier
UNITED STATES ATTORNEY,
For Plaintiff.

1 UNITED STATES OF AMERICA)
2 DISTRICT OF NEVADA) ss:
3

4 E. W. KRONQUIST, being first duly sworn, deposes
5 and says:

6 That he is the Acting Engineer of the Walker River
7 Indian Reservation, and as such, makes this verification
8 for and on behalf of plaintiff. That he has read the above
9 and foregoing Bill of Complaint and knows the contents there-
10 of; that the same is true of his own knowledge except as to
11 the matters therein stated on information or belief, and as
12 to them, he believes it to be true.

13 E. W. Kronquist

14
15 Subscribed and sworn to before
16 me this 31 day of July, 1924.

17 E. O. Tatterton

18 CLERK.
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32

Form No. 600

IN EQUITY.

No. C-125

IN THE DISTRICT COURT

OF THE UNITED STATES

FOR THE

DISTRICT of N.E.V.A.D.A.

UNITED STATES OF AMERICA.

Plaintiff.

vs.

WALKER RIVER IRRIGATION DISTRICT,
a corporation, JOHN BEEBE, et al.
Defendant.

BILL OF COMPLAINT

Filed July 31, 1924

E. J. Johnson, Clerk.

By _____, Deputy.

GEORGE SPRINGMEYER,

U.S. Attorney.

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